

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document # **15**

U.S.C.A. # _____

U.S.D.C. # **08-cv-0065**

JUDGE: **KMW**

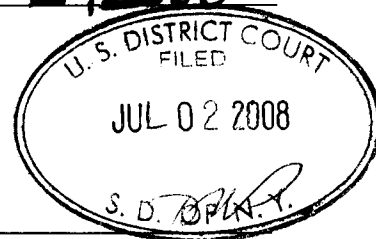
DATE: **July 2, 2008**

Simon

-v-

Federal Prison Industries

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): **THOMAS R. PISARCZYK**
FIRM: **U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK**
ADDRESS: **500 PEARL STREET, ROOM 370**
NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION	DOC. #
CLERK'S CERTIFICATE	
SEE ATTACHED LIST OF NUMBERED DOCUMENTS	
Balance of file already in USCA on previous appeal. USCA case # 08-0676-cv.	

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the **2ND** Day of **JULY**, 2008.

UNITED STATES DISTRICT COURT
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08-cv-0065

KMW

July 2, 2008

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered _____ Through _____, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

*Balance of file already in USCA
on previous appeal. USCA #08-0676-cv.*

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this **2ND** Day of **JULY** In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By _____

[Signature]
Deputy Clerk

APPEAL, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-00065-KMW
Internal Use Only

Simon v. Federal Prison Industries, Inc. et al
Assigned to: Judge Kimba M. Wood
Case in other court: US Court of Appeals, 2nd Circuit, 08-00676-cv
Cause: 28:1331 Fed. Question: Other

Date Filed: 01/04/2008
Date Terminated: 01/04/2008
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Date Filed	#	Docket Text
01/04/2008	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Charles Simon.(laq) (Entered: 01/08/2008)
01/04/2008	3	NOTICE of MOTION. Document filed by Charles Simon. (laq) (Entered: 01/08/2008)
01/04/2008	4	AFFIDAVIT/AFFIRMATION ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION. Document filed by Charles Simon. (laq) (Entered: 01/08/2008)
01/04/2008	2	COMPLAINT against Thomas L. Ambro, Marjorie O. Rendell, Neil R. Gillagher, Christopher J. Christie, Nicholas H. Politan, Ricardo M. Urbina, Mark Wolf, Joseph L. Tauro, Arthur R. Randolph, Judith A. Rogers, David S. Tatel, Sandra L. Lynch, Kermit V. Lipez, Jeffrey R. Howard, Federal Prison Industries, Inc., Steve Shewalb, Karolyn D. Robinson, Wallace H. Cheney, Faith S. Hochberg, Robert E. Cowen, Brooks D. Smith, Jane R. Roth. Document filed by Charles Simon.(laq) (Entered: 01/08/2008)
01/04/2008		Magistrate Judge Kevin N. Fox is so designated. (laq) (Entered: 01/08/2008)
01/04/2008	5	ORDER OF DISMISSAL Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed pursuant to 28 U.S.C. 1915(e)(2). The Order to Show Cause and plaintiffs motion for a preliminary injunction are both denied. Plaintiff must submit an affirmation to this Court's Pro Se Office within (20) days of the days of this order, showing cause as to why this court should not bar Plaintiff from filing any future civil action in this Court in forma pauperis without first obtaining the Court's leave to file. We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith (Signed by Judge Kimba M. Wood on 1/4/2008) (gf) (Entered: 01/08/2008)
01/08/2008	6	NOTICE OF APPEAL from 5 Order Dismissing Complaint (I.F.P.). Document filed by Charles Simon. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 02/06/2008)
01/08/2008		Appeal Remark as to 6 Notice of Appeal filed by Charles Simon. \$455.00 APPEAL FEE DUE. IFP REVOKED 1/4/08. (tp) (Entered: 02/06/2008)
01/17/2008		Received returned mail re: 5 Order Dismissing Complaint (I.F.P.). Mail was addressed to Charles Simon at 3410 DeReimer Avenue, Bronx, NY 10475 and was returned for the following reason(s): insufficient address. (tve) (Entered: 02/08/2008)
02/06/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 6 Notice of Appeal. (tp) (Entered: 02/06/2008)
02/06/2008		Transmission of Notice of Appeal to the District Judge re: 6 Notice of Appeal. (tp) (Entered: 02/06/2008)
02/07/2008	7	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 6 Notice of Appeal filed by Charles Simon 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (nd) (nd). (Entered: 02/07/2008)
02/07/2008		Appeal Record Sent to USCA (File). Indexed record on Appeal Files for 6 Notice of Appeal filed by Charles Simon were transmitted to the U.S. Court of Appeals. (nd) (Entered: 02/07/2008)
02/14/2008		USCA Case Number 08-0676-cv from the US Court of Appeals, 2nd Circuit assigned to 6 Notice of Appeal filed by Charles Simon. (nd) (Entered: 02/14/2008)
03/04/2008	8	ORDER of USCA (Copy) USCA Case Number 08-0115-op. Petitioner, pro se, has filed a petition for a writ of mandamus and moves for leave to proceed in forma pauperis, an emergency immediate appeal, and an injunction pending appeal. Upon due consideration, it is hereby ORDERED that the motion for leave to proceed in forma pauperis is GRANTED for the purpose of filing the mandamus petition. It is further ORDERED that the mandamus petition is DENIED as moot. It is further ORDERED that the motions for emergency immediate appeal and for an injunction pending appeal are DISMISSED without prejudice to refile upon the docketing of Petitioner's notice of appeal in the district court. The Clerk's Office is ORDERED to send to the district court for docketing the notice appeal attached to Petitioner's Motion for an Emergency Immediate Appeal as Exhibit AA. See Fed.R. App. P. 4(d). Catherine O'Hagan Wolfe, Clerk USCA. (nd) (Entered: 03/04/2008)
04/29/2008	9	MANDATE of USCA (Certified Copy) as to 6 Notice of Appeal filed by Charles Simon USCA Case Number 08-0676-pr. Petitioner, pro se, has filed a petition for a writ of mandamus and moves for leave to proceed in forma pauperis, an "Emergency Immediate Appeal," a "Mandatory Injunction" pending appeal, consolidation of Dkt. No. 08-0115-op with Dkt. No. 08-0676-pr, and reconsideration of this Court's February 29, 2008 order in Dkt. No. 08-0115-op. Upon due consideration, it is hereby ORDERED that Appellant's motion to consolidate is DENIED. It is further ORDERED that Appellant's motions for an "Emergency Immediate Appeal" and a "Mandatory Injunction" pending appeal are construed as filed under Dkt. No. 08-0676-pr. It is further ORDERED that, in Dkt. No. 08-0115-op, Appellant's motion for reconsideration is DENIED. It is further ORDERED that, in Dkt. No. 08-0676-pr, the motions to proceed in forma pauperis, "Emergency Immediate Appeal," and a "Mandatory Injunction" pending appeal are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 4/28/08. (tp) (Entered: 04/30/2008)
04/30/2008		Transmission of USCA Mandate/Order to the District Judge re: 9 USCA Mandate. (tp) (Entered: 04/30/2008)

05/16/2008	10	MOTION under Rule 60(b)(4) FRCP for relief from the final judgment entered 1/4/08. Document filed by Charles Simon.(dle) (Entered: 05/16/2008)
05/16/2008	11	MOTION for Reconsideration under Rule 60(b)(4) FRCP for relief from the final judgment entered 1/4/08. Document filed by Charles Simon.(db) (Entered: 05/22/2008)
06/18/2008	12	MOTION to expedite issuing mandatory injunction relief from judgment purs to Rule 60(b)(4) FRCP. Document filed by Charles Simon.(dje) (Entered: 06/19/2008)
06/25/2008	13	ORDER; denying 10 Motion ; denying 11 Motion for Reconsideration ; that all three of plaintiffs motions are denied. Plaintiff is directed to submit an affirmation to the Courts Pro Se Office, within twenty (20) days of the date of this order, showing cause as to why this Court should not bar Plaintiff from filing any further civil action in this Court in forma pauperis without first obtaining the courts leave to file. Plaintiff is directed to attach a copy of this order and the courts 1/4/08 order to any future initial pleading or petition he files in any federal district court, including this Court. Nothing in this order shall preclude Plaintiff from paying the full filing fee to bring a new civil action in this Court. The Clerk of Court is directed to accept no further submission from plaintiff with respect to this action, save a notice of appeal and/or an affirmation as described above. The Court certifies that any appeal from this order would not be taken in good faith. denying 12 Motion. (Signed by Judge Kimba M. Wood on 6/25/08) (pl) (Entered: 06/26/2008)
06/30/2008	14	NOTICE OF APPEAL from 13 Order on Motion for Miscellaneous Relief, Order on Motion for Reconsideration. Document filed by Charles Simon. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 07/01/2008)
06/30/2008		Appeal Remark as to 14 Notice of Appeal filed by Charles Simon. \$455.00 APPEAL FEE DUE. IFP REVOKED 6/25/08. (tp) (Entered: 07/01/2008)
07/01/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 14 Notice of Appeal. (tp) (Entered: 07/01/2008)
07/01/2008		Transmission of Notice of Appeal to the District Judge re: 14 Notice of Appeal. (tp) (Entered: 07/01/2008)